Comments on new gTLD batching process from Internet Society of China

It is noticed that ICANN had released a new batching process method to deal the situation when the volume of gTLD applications received significantly exceeds 500 on March 30th, 2012. Internet Society of China appreciate ICANN for their continuous efforts on new gTLD plan. Bathing is very important and directly relate to the benefits of each party participate in this plan. For this, Internet Society of China have opinions and suggestions as followed:

1. According to the batching development process

Internet Society of China notice that "Change Review Process: gTLD Applicant Guidebook" released by ICANN mentioned that a determination of whether public comment is required is generally based on whether a proposed change would be a material change, as determined using the following considerations:

(1) Would the change have a substantial effect on ICANN?

(2) Would the change have a substantial effect on the DNS?

(3)Would the change have a substantial effect on potential new gTLD applicants or objectors, or Internet users generally?

(4) Would the change be seen to create a new precedent?

(5) Would the change substantially affect the security or stability of the DNS, as defined in the registry agreement?

If required, a public comment period will be opened for at least 30 days. As per usual practice, a summary and analysis of public comment will be posted.

Internet Society of China consider that, though the method of Secondary Timestamp is mentioned in gTLD Applicant Guidebook which published on Jan

11th 2012, specific methods are not clarified at that time. Internet Society of China consider that Secondary Timestamp is an unprecedented method and it is proposed to bring about significant effects on all new gTLD applicants, especially for those whose are delayed, bigger cost and risks would be brought about. As a result, it is necessary to have a public consultation. Internet Society of China suggest ICANN publishing specific time schedule of batch processing and starting public consultation as soon as possible to ensure batch process could meet the specifications of change process.

2. Clarification on concept of batch processing

Section 1.1.2.5 of module 1 in new gTLD Applicant Guidebook describes like this: "*if the volume of applications received significantly exceeds 500, ···. The first batch will be limited to 500 applications and subsequent batches will be limited to 400 to account for capacity limitations due to managing extended evaluation, ··· with each previous batch.*" According to relative materials released by

ICANN, Internet Society of China can not make sure that whether the batch processing described by ICANN means that the new gTLD applicants will be delegated in batches. If so, it will have a big effect on the commercial rules of new gTLD applicants, as well as the market and financial predication result of new gTLD applications of latter batch caused by the delegation of other new gTLDs. It will undoubtedly affect the financial evaluation results of relevant applicants, which may cause human and financial resource waste.

3. Potential risks of batch processing program/system

3.1 We notice that new gTLD application system (TAS) was forced to temporary shut down due to technical glitch recently, so new gTLD applicants had to wait for TAS reopening to fill in files again, which affected the confidence of applicants on TAS. In the future, batch system may also be unstable or vulnerable to hackers, which may have a bad effect on new gTLD applicants. Internet Society of China

suggest that ICANN should publish system risk analysis report and emergency preparation measures, and accept supervision of each party.

3.2 For new gTLD applicants in remote area or within bad network situation, time difference recorded by batching system include errors such as network quality. Different applicants in the same region may also have this problem when using batch system; moreover, for applicants in the same network environment, the absolute time difference may be the same due to low accuracy of time recorder provided by the batching system. It is noticed that recently some companies has provided a paid service called "Digital Archery Engine" to help gTLD applicants successfully enter into the first batch. Internet Society of China think that, the appearance of similar paid service in the industry would help applicants who want to buy this service to get more front batch. It may result that all applicants buy that service and thus fail to realize the batch effect, which would not in line with the nature of batching. It is suggested

that ICANN consider unfair situations brought about by this fact.

3.3 Applications sometimes cannot login into the batching system to perform click operation on schedule time due to temporary breakdown of region network, ICANN should consider this situation.

3.4 Internet Society of China agree with and thank ICANN for it take full consideration of geographic diversity on batching process, which would contribute to fair competition of each region toward prior batch. We could also understand the synchronous review method in processing similar TLD strings, which would ensure all contenting strings will be placed into the earlier batch designated, and thus avoid delay caused by contention toward certain domain names. We notice that, implementation of the two measures at the same time may cause some defects due to large amount of ASCII domain name contention.

Seeing this from the current batch method, contenting domain names may have more chance to

get better batch. If there exist cross-region contention of similar string, these applicants may hold prior batch in their respective region. For application information that has been released, most contention of new gTLD is ASCII code. ASCII contention suffix would possibly be taken prior consideration and put into the first batch. As the volume is limited for the same batch, this fact would lead to inferior position of IDNs and community-based TLDs, which would restrict the ICANN batch result of geographic diversity.

4. Suggested principles of ICANN batch processing

4.1 Batch processing should be the same with the principle of new gTLD plan. "Affirmation of Commitment (AoC)" specifies that "*If and when new gTLDs have been in operation for one year, ICANN will organize a review that will examine the extent to which the introduction or expansion of gTLDs has promoted competition, consumer trust and consumer choice, as well as effectiveness of (a) the application*

*and evaluation process, and (b) safeguards put in place to mitigate issues involved in the introduction or expansion.***"** Internet Society of China consider that the introduce of new gTLD batching process should be highly consistent with the principle of promoting competition, consumer trust, and consumer choice.

4.2 The introduction of IDNs in top-level is a big innovation of the Internet and the development of IDN ccTLD in some countries and regions have proved that. Internet Society of China consider that, the allowance of IDN in new gTLD would promote the diversity of culture greatly. Moreover, due to the diversity of IDN top domain name itself, the possibility of contention of become smaller, especially represented by Chinese top domain names with its plentiful combination forms, so it is less possible to cause confusion. And some common sense has been formed within social groups to avoid contention, so Internet Society of China hope ICANN should consider the diversity of geography as well as language and put forward prior policies for IDN TLDs

to protect the rights and benefits of applicants. Therefore, ICANN should take priority upon IDN applications in first round of new gTLD.

4.3 In addition, Internet Society of China support the establishment of JAS for the gTLD applicants who come from developing countries and regions. We hope that ICANN could support new gTLD applicants of developing countries and regions, and take priority upon IDNs from developing countries and regions that have a close relationship with local culture and language.

Up to March 29th, 2012, there are 1268 applicants finished registration under new gTLD application system (TAS) and most new gTLD applicants have prepared a lot in financial, technical and political aspects as required by new gTLD Applicant Guidebook, and some applicants are still waiting for TAS recovery to fill in application materials again. Internet Society of China know that a large number of special research and review should be done by ICANN to promote new gTLD. We hope

that all the work be done under principles of fairness, openness and justice to protect the rights and interests of new gTLD applicants, domain name registrants and Internet users.